

No. 8194-3Lab-77/21988.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad, in respect of the dispute between the workmen and the management of M/s Telesound India Limited, Mathura Road, Ballabgarh.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 153 of 1975

between

SHRI KASHI RAM, WORKMAN AND THE MANAGEMENT M/S TELESOUND INDIA
LIMITED, MATHURA ROAD, BALLABGARH

Present.—

Shri Madhu Sudan Saran Cowshish, for the workmen.

Shri R. C. Sharma, for the management.

AWARD

By order No. ID/FD/316-A-75/60186, dated 17th September, 1975, the Governor of Haryana referred the following dispute between the management of M/s Telesound India Limited, Mathura Road, Ballabgarh and its workman Shri Kashi Ram, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the retrenchment of Shri Kashi Ram, was justified and in order? If not, to what relief is he entitled?

On receipt of the reference, usual notices were issued to the parties. The parties appeared and put in their pleadings. On the pleadings of the parties the following issues were framed by my learned predecessor on 10th March, 1976.

- (1) Whether the services of the workman were retrenched as a result of the agreement made between the parties?
- (2) Whether the claim statement is liable to be ignored for the reasons as stated in paragraph 3 of the preliminary objections of the management?
- (3) In case of non proof of issue No. 1 whether the retrenchment of workman was justified and in order? If not, to what relief is he entitled?

The case was fixed for the evidence of the management on 13th June, 1976. On 13th June, 1976, the Presiding Officer was on leave and then the case was adjourned. The case was also adjourned thereafter for one reason or the other. On 25th August, 1976, the date fixed, the management did not appear and hence the *ex parte* proceedings were taken against him. On 26th August, 1976, the management made an application to set aside the order of *ex parte* proceedings which was set aside,—*vide* order, dated 26th August, 1976 subject to the payment of cost of Rs. 15. Costs were paid. And then the management started their evidence, they examined M. W. 1 and the case was adjourned for remaining evidence of the management. Thereafter the management did not like to give any other witness, they stated that Hon'ble the Delhi High Court has appointed Receiver and the Receiver has taken possession of the properties of the management. Then the case was fixed for adding the Receiver as a party. At this stage the parties reached a compromise. The representative of the management stated that the workmen concerned were retrenched and a service compensation amounting to Rs. 1381.25 was paid to him and the factory was lying closed. He undertakes that the management shall reinstate the workman concerned when the factory re-started functioning with continuity of his service but without back wages. He further added that as and when the workman joined his service in future, he shall have to refund the said amount of Rs. 1,381.25 failing which this amount shall be recovered from his wages. The representative of the management agreed to this. In view of the settlement, I give my award as follows :—

- (1) That when the factory of the management restart functioning, the workman is entitled to reinstatement with continuity of service but without back wages. The management shall perform their part as stated above.

- (2) That the workman shall refund to the management a sum of Rs. 1381.25 when he joins his duty on being reinstated as said above failing which the said amount of Rs. 1381.25 shall be recovered from his wages.

NATHU RAM SHARMA,

Dated the 10th May, 1977.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 486, dated the 21st May, 1977.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 8194-3Lab-77/21990.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad in respect of the dispute between the workman and the management of M/s Faridabad Manufacturing (Engg. Products) Private Limited, Sector-6 Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL, HARYANA, FARIDABAD

Reference No. 24 of 1976

between

SHRI BUNDU KHAN, WORKMAN AND THE MANAGEMENT OF M/S FARIDABAD
MANUFACTURING (ENGG. PRODUCTS) PRIVATE LIMITED, SECTOR-6,
FARIDABAD

Present :—

Shri Bundu Khan, concerned workman.

Shri R. C. Sharma, for the management.

AWARD

By order No. ID/FD/1058-E-76/43422, dated 23rd November, 1976, the Governor of Haryana, referred the following dispute between the management of M/s. Faridabad Manufacturing (Engg. Products) Private Limited, Sector-6, Faridabad and its workman Shri Bundu Khan to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Bundu Khan was justified and in order? If not, to what relief is he entitled?

On receipt of the reference, notices were issued to the parties. The workman filed his claims statement. The case was fixed for filing written statement by the management. On the date fixed i. e. 5th May, 1977, the representative of the workman did not appear. The representative of the workman had not appeared earlier too. The workman stated that his representative was not taking interest. He was very poor and was unable to manage another representative. He wanted settlement. He stated that in case the management pays Rs. 200/- only to him, he shall give up his dispute. He further stated that the management should also pay to him his dues accrued to him prior to his service were terminated on 10th June, 1976 to which the representative of the management agreed. The statements of the workman concerned and the representative of the management were recorded. I, therefore, give my award in view of the above said compromise as follows:—

“That the management is liable and shall pay to the workman a sum of Rs. 200/- only in consideration of his giving up his dispute. The management shall also pay to the workman concerned his dues prior to his service were terminated i. e. 15th June, 1976.

On the payment of the above said amount of Rs. 200/- only, it is awarded that the termination of the services of the workman concerned were justified and in order and he is not entitled to any other relief.

Dated the 10th May, 1977.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 482, dated the 21st May, 1977

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 8194-3Lab-77/21992.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana, is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad, in respect of the dispute between the workmen and the management of M/s Autometers Limited, Mathura Road, Ballabgarh.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 243 of 1976

between

SHRI MITTAR SAIN, WORKMAN AND THE MANAGEMENT OF M/S AUTOMETERS
LIMITED, MATHURA ROAD, BALLABGARH

Present.—

Shri. Lachhi Ram, for Shri Amar Singh Union, Leader.

Shri K. P. Aggarwal, for the management.

AWARD

By order No. ID/43360, dated 23rd Noyember, 1976 the Governor of Haryana, referred the following dispute between the management of M/s Autometers Limited, Mathura Road, Ballabgarh and its workmen Shri Mittar Sain, to this Tribunal, for adjudication in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Mittar Sain was justified and in order ? If not, to what relief is he entitled ?

On receipt of the reference, notices were issued to the parties. The workman filed his claim statement. The management filed his written statement and the case was fixed for filling the rejoinder by the workman. At this stage, the representative of the workman stated that the workman concerned has received all his dues and has gone out and that he does not represent him and withdraws from the reference. The representative of the management produced a letter of the workman stating that he mutually settled the case with the management and praying that his case be dropped. The letter of the workman is marked X. I therefore, give my award as follows that there is no dispute between the parties.

Dated the 10th May, 1977.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 488, dated 21st May, 1977.

Forwarded (four copies) to the Secretary, to Government Haryana, Labour and employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes, Act, 1947.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.